

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 1038/2018

**News item published in “The Asian Age” Authored by Sanjay Kaw
Titled
“CPCB to rank industrial units on pollution levels”**

Date of hearing: 13.12.2018

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON’BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. The matter has been taken up on the basis of news item titled “CPCB to rank industrial units on pollution levels” authored by Mr. Sanjay Kaw published in the Asian Age dated 06.12.2018. Out of 88 identified industrial clusters, 43 industrial clusters in 16 States having Comprehensive Environmental Pollution Index (CEPI) score of 70 and above were identified as Critically Polluted Areas (CPAs). Further, 32 industrial clusters with CEPI scores between 60 and 70 were categorized as Seriously Polluted Areas (SPAs), and this was based on evaluation of CEPI carried out in the year 2009-10. In a later evaluation, the number of identified polluted industrial clusters went up to 100 in the year 2017-18.

2. CEPI is based on evaluation of environmental parameters including ambient air, surface water and health related statistics. Based on such study, directions have been issued by the Central Pollution Control Board (CPCB) under Section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 for installation of Continuous Ambient Air Quality Monitoring Stations (CAAQMS) and

Real Time Water Quality Monitoring Stations (RTWQMS) at various locations.

3. Revised CEPI (2016) is comprised of the following components:

Component A	Scale of Industrial Activity	20 marks
Component B	Status of Ambient Env. Quality (Air/SW/GW)	50 Marks
Component C	Health related statistics	10 Marks
Component D	Compliance status of industries	20 Marks

4. As per direction of CPCB dated 26.04.2016, addressed to the State Pollution Control Boards (SPCBs), the SPCBs are required to take steps to ensure prevention, control and abatement of pollution in critically polluted industrial clusters by installing Environmental Quality Monitoring Systems for which purpose action plan in respect of monitoring mechanism are to be evolved, in the manner stated in the said order. Forty Three (43) Critically Polluted Areas and 32 Severely Polluted Areas were identified based on CEPI criteria in the Year 2009 are as follows:

S.No.	Name of States	Clusters with CEPI >70 (43 Critically polluted Areas)	Clusters with CEPI 60-70 (32 Severely polluted areas)
1.	Andhra Pradesh	Vishakhapatnam (70.82)	Vijayawada (60.57)
2.	Bihar	--	West Singhbhum (67.30)
3.	Chhattisgarh	Korba (83.00)	Raipur (65.45)
4.	Delhi	Najafgarh-Drain Basin (79.54) including Anand Parbat, Naraina, Okhla, Wazirpur	--
5.	Gujarat	Ankleshwar (88.50), Vapi (88.09), Ahmedabad (75.28), Vatva (74.77),	Vadodara (66.91), Rajkot (66.76)

		<i>Bhavnagar (70.99), Junagarh (70.82)</i>	
6.	<i>Haryana</i>	<i>Faridabad (77.07), Panipat (71.99)</i>	--
7.	<i>Himachal Pradesh</i>	--	<i>Baddi (69.07), Kala Amb (68.77), Parwanoo (63.83)</i>
8.	<i>Jharkhand</i>	<i>Dhanbad (78.63)</i>	<i>Jamshedpur (66.06), Saraikela (65.38), Ramgarh (65.11), Bada jamtara (64.47)</i>
9.	<i>Karnataka</i>	<i>Mangalore (73.68), Bhadravati (72.33)</i>	<i>Raichur (68.07), Bidar (67.64), Pinia (65.11)</i>
10.	<i>Kerala</i>	<i>Greater Kochin (75.08)</i>	--
11.	<i>Madhya Pradesh</i>	<i>Indore (71.26)</i>	<i>Dewas (68.77), Nagda-ratlam (66.67), Pitampur (65.09)</i>
12.	<i>Maharashtra</i>	<i>Chandrapur (83.88), Dombivalli (78.41), Aurangabad (77.44), Navi Mumbai (73.77), Tarapur (72.01)</i>	<i>Nashik (69.25), Chembur (69.19), Pimpri – Chinchwad (66.06)</i>
13.	<i>Orissa</i>	<i>Angul Talchar (82.09), IB-Valley (74.00) Jharsugula (73.34)</i>	<i>Pardeep (69.26)</i>
14.	<i>Punjab</i>	<i>Ludhiana (81.66), Mandi Govindgarh (75.08)</i>	<i>Batala (68.59), Jalandhar (64.98)</i>
15.	<i>Rajasthan</i>	<i>Bhiwadi (82.91), Jodhpur (75.19), Pali (73.73)</i>	<i>Jaipur (66.82)</i>
16.	<i>Tamil Nadu</i>	<i>Vellore-North Arcot (81.79), Cuddalore (77.45), Manali (76.32), Coimbatore(72.38)</i>	<i>Tirupur(68.38), Mettur (66.98)</i>
17.	<i>Telangana</i>	<i>Patancheru- Bollaram (70.07)</i>	--
18.	<i>Uttar Pradesh</i>	<i>Ghaziabad (87.37), Singrauli (81.73), Noida (78.90), Kanpur (78.09), Agra (76.48), Varanasi-Mirjapur (73.79)</i>	<i>Moradabad (64.71), Aligarh (63.83), Ferozabad (60.51)</i>
19.	<i>Uttarakhand</i>	--	<i>Haridwar (61.01)</i>

20.	West Bengal	Haldia (75.43), Howrah (74.84), Asansole (70.20)	Durgapur (68.26)	”
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5. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

6. Dust, smoke, fume and toxic gas emissions occur as a result of highly polluting industries such as thermal power plants, coal mines, cement, sponge iron, steel and ferrous alloys, petroleum and chemicals unless right technology is used and precaution taken. Industry specific clusters have not only become hazardous but also cause irreparable damage to our ecology and environment, often breaching the environment's carrying capacity, adversely affecting public health.

7. In *Karnataka Industrial Areas Development Board vs. C. Kenchappa & Ors*¹, the Hon'ble Supreme Court observed, as guiding rules for Sustainable Development, that humanity must take no more from nature than man can replenish and that people must adopt lifestyles and development paths that work within the nature's limit. In *Vellore Citizens Welfare Forum Vs. Union of India*², the Hon'ble Supreme Court recognized the Precautionary Principle and explained that environmental measures by the State Government and the

¹ (2006) 6 SSC 383

² AIR 1996 SC 2715

statutory authorities must anticipate, prevent and attack the causes of environmental degradation.

8. This Tribunal has applied the same principles in deciding matters³ before it in terms of Section 20 of the National Green Tribunal Act 2010.

9. In view of above, we direct the SPCBs/ Committees to finalize the time bound action plans with regard to identified polluted industrial clusters in accordance with the revised norms laid down by the CPCB to restore environmental qualities within norms. Such action plan be finalized within three months from the date of receipt of copy of this order. In case of any left- out/missed areas in addition to 100 areas also, SPCBs should undertake CEPI assessment and formulate action plans.

10. The action plan may thereafter be looked into by the CPCB and steps taken for implementation so as to ensure that all the industrial clusters comply with laid down parameters as per the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. The CPCB will be the Nodal agency. Meanwhile, CPCB will forward Assessment Report for 100 areas carried out during 2017-2018 to MoEF & CC before 28.02.2019 for appropriate action.

11. Needless to say that it will be open to the SPCBs/Committees and CPCB to take coercive measures including recovery of compensation for the damage to the environment on 'Polluter Pays' principle as well as also to direct taking of such precautionary

³ Aditya N. Prasad & Ors. Vs. Union of India & Ors., Original Application No. 147/2016, Order dated 01.11.2018; We the People, Th. Gen. Secretary Vs Union of India & Ors. Original Application No. 214/2017, Order dated 01.11.2018; Westend Green Farms Society Vs. Union of India & Ors., Original Application No. 400 of 2017, Order dated 02.11.2018; Saloni Ailawadi Vs Union of India & Ors, Original Application No. 509/2015, Order dated 16.11.2018; Shantanu Sharma Vs Union of India & Ors, Original Application No. 117/2014, Order dated 20.11.2018; Dr. Arun Kumar Sharma Vs. Ministry of Environment, Forest and Climate Change & Anr., Original Application No. 312 of 2016, Order dated 26.11.2018.

measures as may be necessary on the basis of 'Precautionary principle'.

12. CPCB may serve copy of this order on all the SPCBs and the Committees who may furnish the same to the concerned Chief Secretaries. Ministry of Environment, Forest and Climate Change (MoEF&CC) may take necessary steps on its part based on CPCB Report for 100 areas mentioned above in accordance with law. The Report on the action taken by the CPCB and MoEF&CC in the matter may be furnished to this Tribunal by e-mail at ngt.filing@gmail.com before 31.05.2019. Copies of this order be sent by e-mail to CPCB and MoEF&CC for compliance.

13. The action plan to be prepared in the States may be done by the Committee constituted by the Chief Secretary within one month from today as several Departments may be involved in the exercise. The final preparation of the action plan including its execution may be overseen by the Chief Secretary of the concerned State, along with the other connected major environmental issues of the States, such as pollution of river stretches, non-attainment cities in terms of air quality and solid waste management, utilization of treated sewage, covered by order of this Tribunal dated 20.09.2018 in Original Application No. 673/2018, News Item Published in 'The Hindu' authored by Shri. Jacob Koshy titled "More river stretches are now critically polluted: CPCB", order dated 08.10.2018 in Original Application No. 681/2018, News Item Published In 'The Times of India' Authored by Shri. Vishwa Mohan Titled "NCAP with Multiple Timelines to Clear Air in 102 Cities to be released around August 15", order dated 20.08.2018 in Original Application No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and order dated 27.11.2018 in Original Application No. 148/2016, Mahesh Chandra Saxena Vs. South Delhi Municipal Corporation &

Ors. The Chief Secretary will take meetings on all these issues once in three months (quarterly) and will forward Report to NGT by e-mail.

14. List for consideration of report of MoEF&CC and the CPCB on 08.07.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 13, 2018
Original Application No. 1038/2018
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